IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Brig Barnum ELLIOTT) Group Art Unit: 2437
)
Application No.: 10/804,192) Examiner: Fields, Courtney D.
)
Filed: March 19, 2004)
) Confirmation No.: 6754
For: SYSTEMS AND METHODS FOR)
       IMPROVED MEDIA ACCESS) **Attention: Mail Stop Appeal Brief -**
       CONTROL) **Patents**

<u>**VIA EFS WEB**</u>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

<u>APPEAL BRIEF UNDER BOARD RULE § 41.37</u>

In support of the Notice of Appeal filed February 17, 2009, and further to Board

Rule 41.37, Appellant presents this brief and encloses herewith the fee of $540.00

required under 37 C.F.R. § 1.17(c). This Appeal responds to the final rejection mailed

September 15, 2008, and the Notice of Panel Decision from Pre-Appeal Brief Review

mailed March 10, 2009. Pursuant to the Notice of Appeal, the time period for filing the

Appeal Brief is reset to two months from the filing date of the Notice of Appeal of February

17, 2009. Thus, this Appeal Brief is being timely filed on or before the due date of April

17, 2009, measured from the filing date of the Notice of Appeal.

If any additional fees are required or if the enclosed payment is insufficient,

Appellants request that the required fees be charged to Deposit Account No. 06-0916.

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I. Real Party in Interest

The real party in interest of the present application, solely for purposes of identifying and avoiding potential conflicts of interest by board members due to working in matters in which the member has a financial interest, is Verizon Communications Inc. and its subsidiary companies, which currently include Verizon Business Global, LLC (formerly MCI, LLC) and Cellco Partnership (doing business as Verizon Wireless, and which includes as a minority partner affiliates of Vodafone Group Plc). Verizon Corporate Services Group Inc. is an assignee of record of the present application.

II. Related Appeals and Interferences

There are currently no other appeals or interferences, of which Appellant,

Appellant's legal representative, or the assignee are aware, that will directly affect or be

directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-25 remain pending in this application.

In the Final Office Action mailed September 15, 2008, the Examiner rejected claims 1-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,154,854 to Zweig et al. ("*Zweig*"). In the Advisory Action mailed January 14, 2009, the Examiner maintained the rejection under 35 U.S.C. § 102(e).

Accordingly, the final rejection of claims 1-25 under 35 U.S.C. § 102(e) is being appealed. A list of the claims on appeal is found in the attached Claims Appendix.

Furthermore, each claim of this patent application is separately patentable, and upon issuance of a patent will be entitled to a separate presumption of validity under 35 U.S.C. § 282.

IV. Status of Amendments

No amendments were filed subsequent to the Final Office Action mailed

September 15, 2008.

V. Summary of Claimed Subject Matter

The following summary of the presently claimed subject matter indicates certain portions of the specification (including the drawings) that provide examples of embodiments of elements of the claimed subject matter. It is to be understood that other portions of the specification not cited herein may also provide examples of embodiments of elements of the claimed subject matter. It is also to be understood that the indicated examples are merely examples, and the scope of the claimed subject matter includes alternative embodiments and equivalents thereof. References herein to the specification are thus intended to be exemplary and not limiting.

The subject matter set forth in independent claim 1 relates to a method of medium access control. See, for example, specification at page 7, paragraph [025], lines 1-4; and Figure 2. The method may include receiving a first message including a first integer. See, for example, specification at page 8, paragraph [027], lines 4-6; and Figures 2-4, ref. 2100. The method may further include sending a second message including a second integer, the second message sent in response to the first message. See, for example, specification at page 7, paragraph [027], lines 7-8; and Figures 2-4, ref. 2200. The method may further include receiving, in response to the second message, a third message including data and a third integer, the third integer serving to authenticate the third message. See, for example, specification at page 7, paragraph [027], lines 8-9; and Figures 2-4, ref. 2300. The method may further include sending, in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message. See, for example, specification at page 7, paragraph [027], lines 9-10; and Figures 2-4, ref. 2400.

The subject matter set forth in independent claim 13 relates to a method of medium access control in a wireless network. See, for example, specification at page 7, paragraph [025], lines 1-4; and Figure 1 ref. 1200. The method may include receiving a request to send message, the request to send message including a first integer. See, for example, specification at page 8, paragraph [027], lines 4-6; and Figures 2-4, ref. 2100. The method may further include sending, in response to the received request to send message, a clear to send message including the first integer and a second integer. See, for example, specification at page 7, paragraph [027], lines 7-8; and Figures 2-4, ref. 2200. The method may further include receiving, in response to the clear to send message, a data message including the second integer, the second integer serving to authenticate the data message. See, for example, specification at page 7, paragraph [027], lines 8-9; and Figures 2-4, ref. 2300. The method may further include sending, in response to the received data message, an acknowledgement message including the first integer. See, for example, specification at page 7, paragraph [027], lines 9-10; and Figures 2-4, ref. 2400.

The subject matter set forth in independent claim 14 relates to a system of medium access control in a wireless network. See, for example, specification at page 12, paragraph [033]; and Figure 5. The system of medium access control may include means for receiving a first message including a first integer. See, for example, specification at page 8, paragraph [027], lines 4-6; Figures 2-4, "COMPUTER B" (an exemplary structure of COMPUTER B is disclosed in Figure 5 ref. 1451 as explained in paragraph [038] of the specification). The system may further include means for sending a second message including a second integer, the second message sent in

response to the first message. See, for example, specification at page 7, paragraph [027], lines 7-8; and Figures 2-4, "COMPUTER B" (an exemplary structure of COMPUTER B is disclosed in Figure 5 ref. 1451 as explained in paragraph [038] of the specification). The system may further include means for receiving, in response to the second message, a third message including data and a third integer, the third integer serving to authenticate the third message. See, for example, specification at page 7, paragraph [027], lines 8-9; and Figures 2-4, ref. "COMPUTER B" (an exemplary structure of COMPUTER B is disclosed in Figure 5 ref. 1451 as explained in paragraph [038] of the specification). The system may further include means for sending, in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message. See, for example, specification at page 7, paragraph [027], lines 9-10; and Figures 2-4, ref. "COMPUTER B" (an exemplary structure of COMPUTER B is disclosed in Figure 5 ref. 1451 as explained in paragraph [038] of the specification).

The subject matter set forth in independent claim 15 relates to a system of medium access control. See, for example, specification at page 12, paragraph [033]; and Figure 5. The system may include means for receiving a request to send message, the request to send message including a first integer. See, for example, specification at page 8, paragraph [027], lines 4-6; and Figures 2-4, "COMPUTER B" (an exemplary structure of COMPUTER B is disclosed in Figure 5 ref. 1451 as explained in paragraph [038] of the specification). The system may further include means for sending, in response to the received request to send message, a clear to send message including the first integer and a second integer. See, for example, specification at page 7,

paragraph [027], lines 7-8; and Figures 2-4, "COMPUTER B" (an exemplary structure of COMPUTER B is disclosed in Figure 5 ref. 1451 as explained in paragraph [038] of the specification). The system may further include means for receiving, in response to the clear to send message, a data message including the second integer, the second integer serving to authenticate the data message. See, for example, specification at page 7, paragraph [027], lines 8-9; and Figures 2-4, ref. "COMPUTER B" (an exemplary structure of COMPUTER B is disclosed in Figure 5 ref. 1451 as explained in paragraph [038] of the specification). The system may further include means for sending, in response to the received data message, an acknowledgement message including the first integer. See, for example, specification at page 7, paragraph [027], lines 9-10; and Figures 2-4, ref. "COMPUTER B" (an exemplary structure of COMPUTER B is disclosed in Figure 5 ref. 1451 as explained in paragraph [038] of the specification).

The subject matter set forth in independent claim 16 relates to a system for medium access control. See, for example, specification at page 12, paragraph [033]; and Figure 5. The system may include a processor. See, for example, specification at page 12, paragraph [033]; and Figure 5, ref. 5200. The system for medium access control may further include a memory. See, for example, specification at page 12, paragraph [036]; and Figure 5, ref. 5500. The processor and the memory in the system may perform a method including receiving a first message including a first integer. See, for example, specification at page 8, paragraph [027], lines 4-6; and Figures 2-4, ref. 2100. The may further include sending a second message including a second integer, the second message sent in response to the first message. See, for example, specification at page 7, paragraph [027], lines 7-8; and Figures 2-4, ref. 2200. The

method may further include receiving, in response to the second message, a third message including data and a third integer, the third integer serving to authenticate the third message. See, for example, specification at page 7, paragraph [027], lines 8-9; and Figures 2-4, ref. 2300. The method may further include sending, in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message. See, for example, specification at page 7, paragraph [027], lines 9-10; and Figures 2-4, ref. 2400.

The subject matter set forth in independent claim 23 relates to a system for medium access control. See, for example, specification at page 12, paragraph [033]; and Figure 5. The system may include a processor. See, for example, specification at page 12, paragraph [033]; and Figure 5, ref. 5200. The system may further include a memory. See, for example, specification at page 12, paragraph [036]; and Figure 5, ref. 5500. The processor and the memory in the system for medium access control may perform a method including receiving a request to send message, the request to send message including a first integer. See, for example, specification at page 8, paragraph [027], lines 4-6; and Figures 2-4, ref. 2100. The method may further include sending, in response to the received request to send message, a clear to send message including the first integer and a second integer. See, for example, specification at page 7, paragraph [027], lines 7-8; and Figures 2-4, ref. 2200. The method may further include receiving, in response to the clear to send message, a data message including the second integer, the second integer serving to authenticate the data message. See, for example, specification at page 7, paragraph [027], lines 8-9; and Figures 2-4, ref. 2300. The method may further include sending, in response to the received data message, an

acknowledgement message including the first integer. See, for example, specification at page 7, paragraph [027], lines 9-10; and Figures 2-4, ref. 2400.

The subject matter set forth in independent claim 24 relates to a computer-readable storage medium containing instructions which, when executed on a data processor, cause the data processor to perform a method of medium access control. See, for example, specification at page 19, paragraph [055]. The method being performed by the data processor may include receiving a first message including a first integer. See, for example, specification at page 8, paragraph [027], lines 4-6; and Figures 2-4, ref. 2100. The method may further include sending a second message including a second integer, the second message sent in response to the first message. See, for example, specification at page 7, paragraph [027], lines 7-8; and Figures 2-4, ref. 2200. The method may further include receiving, in response to the second message, a third message including data and a third integer, the third integer serving to authenticate the third message. See, for example, specification at page 7, paragraph [027], lines 8-9; and Figures 2-4, ref. 2300. The method may further include sending, in response to the third message, a fourth message including a fourth integer, the fourth message serving to acknowledge receipt of the third message. See, for example, specification at page 7, paragraph [027], lines 9-10; and Figures 2-4, ref. 2400.

The subject matter set forth in independent claim 25 relates to a computer-readable storage medium containing instructions which, when executed on a data processor, cause the data processor to perform a method of medium access control in a wireless network. See, for example, specification at page 19, paragraph [055]. The method being performed by the data processor may include receiving a request to send

message, the request to send message including a first integer. See, for example, specification at page 8, paragraph [027], lines 4-6; and Figures 2-4, ref. 2100. The method may further include sending, in response to the received request to send message, a clear to send message including the first integer and a second integer. See, for example, specification at page 7, paragraph [027], lines 7-8; and Figures 2-4, ref. 2200. The method may further include receiving, in response to the clear to send message, a data message including the second integer, the second integer serving to authenticate the data message. See, for example, specification at page 7, paragraph [027], lines 8-9; and Figures 2-4, ref. 2300. The method may further include sending, in response to the received data message, an acknowledgement message including the first integer. See, for example, specification at page 7, paragraph [027], lines 9-10; and Figures 2-4, ref. 2400.

VI. Grounds of Rejection

Claims 1-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by

U.S. Patent No. 7,154,854 to Zweig et al. ("*Zweig*").

VII. Argument

A. The Board Should Reverse the Rejection Under 35 U.S.C. § 102(e) Because *Zweig* Does Not Teach or Even Suggest Each and Every Feature of Any of the Claims

1. Rejection of Claims 1-12, 15-22, and 24

Appellant respectfully traverses the rejection of claims 1-12, 15-22, and 24 under 35 U.S.C. § 102(e) as being anticipated by *Zweig*. In order to properly establish that *Zweig* anticipates Appellant's claimed invention under 35 U.S.C. § 102, each and every feature of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *See* M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). *Zweig*, however, does not teach or even suggest each and every feature of the claims.

Independent claim 1 recites a method comprising, for example:

> receiving a **first message** including a first integer;
> sending a **second message** including a second integer, the
>   second message sent in response to the first message;
> receiving, **in response to the second message**, a **third message**
>   including data and a third integer, the **third integer serving**
>   **to authenticate the third message**; and
> sending, in response to the third message, **a fourth**
>   **message**. (Emphases added).

Zweig does not disclose or even suggest the above features of Appellant's claimed invention.

Zweig discloses a system in which "logic 202 monitors addresses within this information against contents of the address table 204. One reason is that only information from authenticated and associated wireless units (e.g., WUs 108 *c–d*) is

accepted. Hence, if a non-authenticated wireless unit transmits packets, these packets will not be forwarded to the wired backbone network 102 of FIG. 1." *Zweig*, col. 6, line 62 to col. 7, line 4.

Thus, logic 202 of *Zweig* uses addresses included in the received information to determine whether information is being sent from an associated wireless unit. Such a disclosure, however does not constitute "receiving, **in response to [a] second message, a third message** including data and a **third** integer, the third integer serving to **authenticate the third message**," (emphasis added) as recited in claim 1. Even assuming that the included address in *Zweig* could constitute the claimed "integer" and the authentication of a wireless unit could constitute "authenticat[ion] [of] the third message," neither of which is correct, *Zweig* still would not disclose that the received information is a "**third** message," the included address is a "**third** integer," and "the **third** integer serves to authenticate the **third** message," as recited in claim 1. *Zweig* is simply silent with respect to the received information being "a third message including data and a third integer," as recited in claim 1.

Page 2 of the Final Office Action cites to col. 7, line 58-col. 8, line 4 of *Zweig* as allegedly disclosing the above-noted features of claim 1, stating that:

> Zweig et al. discloses authenticated and associated wireless units (third and fourth integers) are accepted to receive information from the wireless transceiver because the packets that contain the messages are associated with an access point. If the integers were non-authenticated wireless units, the packets containing the messages will not be forwarded to the wired backbone network.

This, however, is not correct. This portion of *Zweig* actually discloses reducing RF interference in a wireless environment by adjusting a fragmentation threshold based on a transmission error factor. Neither the cited portion, nor any other portion, of *Zweig*

discloses or even suggests "receiving, **in response to [a] second message, a third message** including data and a third integer, the third integer serving to **authenticate the third message**," (emphasis added) as recited in claim 1.

Moreover, as was discussed on pages 12-13 of Appellant's Amendment filed on July 1, 2008 and on pages 3-5 of Appellant's Request for Reconsideration After Final, filed on December 15, 2008, claim 1 discloses a method of medium access control where a sequence is disclosed such that messages are exchanged in relation to other messages. Specifically, claim 1 recites "a **first** message," "a **second** message," "a **third** message," and "a **fourth** message," such that the second message is sent "in response to the **first** message," the third message is received "in response to the **second** message," and the fourth message is sent "in response to the **third** message," (emphases added). Further, the first to fourth messages of claim 1 include "a **first** integer," "a **second** integer," "a **third** integer," and "a **fourth** integer," respectively. As noted previously, *Zweig* simply does not disclose or even suggest an exchange of messages in the sequence recited in claim 1.

The September 15, 2008 Final Office Action has not addressed Appellant's remarks that the April 1, 2008 Office Action has not linked the second message with the third message as recited in claim 1. Page 4 of the Office Action and page 4 of the Final Office Action (the Office Action and Final Office Action collectively being referred to as "the Office Actions") rely on col. 13, lines 12-20 of *Zweig* as allegedly corresponding to the claimed "first message" and "second message," while the Office Actions further cite col. 6, lines 62-67 of *Zweig* as allegedly corresponding to the claimed "third message," and cite col. 8, lines 29-36 of *Zweig* as allegedly corresponding to the "fourth message"

without linking the second message with the third message or the third message to the fourth message as recited in claim 1. Therefore, the Office Actions have not established that *Zweig* teaches or suggests, and in fact *Zweig* does not teach or suggest the method of claim 1 including:

> receiving a **first message** including a first integer;
> sending a **second message** including a second integer, the
>   second message sent in response to the first message;
> receiving, **in response to the second message,** a **third message**
>   including data and a third integer, the **third integer serving**
>   **to authenticate the third message**; and
> sending, in response to the third message, **a fourth**
> **message**. (Emphases added).

Thus, *Zweig* cannot anticipate claim 1, and claim 1 is allowable for at least this reason. Claims 2-12 are also allowable at least due to their dependence from claim 1.

Independent claims 15, 16, and 24, while of different scope, recite features similar to those of claim 1 and are thus allowable over *Zweig* for at least reasons similar to those discussed above in regard to claim 1. Claims 17-22 are also allowable at least due to their dependence from claim 16.

Accordingly, Appellant respectfully requests the Board to reverse the rejection of claims 1-12, 15-22, and 24 under 35 U.S.C. § 102(e).

2. Rejection of Claims 2 and 17

Notwithstanding the above, the following provides another basis for reversal of the rejection of dependent claims 2 and 17. The Final Office Action alleges that Figure 5, col. 10, lines 41-67, and col. 11, lines 1-16 of *Zweig* disclose the claimed features of dependent claim 2 of "using, as the first, second, third, and fourth integers, **the same value**," (emphasis added). Final Office Action, page 4. This, however, is not correct.

This portion of *Zweig* actually discloses using different divisional factors of 1, 2, and 4 to vary fragmentation threshold when there is a change in data rate "in order to maintain substantially the same duration for the data packet." *Zweig*, col. 11, lines 14-16. Such a disclosure, however, does not teach or even suggest the features of claim 2 because neither using different divisional factors nor maintaining the same duration for transmission of a data packet constitutes "using, as the first, second, third, and fourth integers, **the same value**," (emphasis added) as recited in claim 2. Keeping the same duration does not constitute using the **same value** for integers that are **included** in respective messages. Neither the cited portion nor any other portion of *Zweig* teaches "using, as the first, second, third, and fourth integers, the same value."

Therefore, *Zweig* does not teach or even suggest each and every feature of claim 2. Thus, *Zweig* cannot anticipate claim 2. Dependent claim 17 recites features similar to those discussed above with respect to claim 2. Accordingly, *Zweig* does not teach or suggest all of the features of claim 17 for at least the reasons similar to those given above.

Accordingly, Appellant respectfully requests the Board to reverse the rejection of claims 2 and 17 under 35 U.S.C. § 102(e) for these additional reasons.

3. Rejection of Claims 6 and 21

Notwithstanding the above, the following provides another basis for reversal of the rejection of dependent claims 6 and 21. The Final Office Action alleges that col. 3, lines 40-50 of *Zweig* disclose the features of dependent claim 6 of "using, as the same value, a time value based on **a Global Positioning System** (GPS)," (emphasis added). Final Office Action, page 5. This, however, is not correct.

This portion of *Zweig* actually discloses "a need for a system and method of globally controlling all MUs [mobile units]." *Zweig*, col. 3, lines 45-46. Such a disclosure, however, does not teach or even suggest the features of claim 6 because having a system and method that globally controls all mobile units does not constitute "using, as the same value, a time value based on **a Global Positioning System** (GPS)," (emphasis added) as recited in claim 6. Globally controlling all mobile units does not constitute using a value based on a **global positioning system** for integers that are **included** in respective messages. Neither the cited portion nor any other portion of *Zweig* teaches "using, as the same value, a time value based on a Global Positioning System (GPS)," as recited in claim 6.

Therefore, *Zweig* does not teach or even suggest each and every feature of claim 6. Thus, *Zweig* cannot anticipate claim 6. Dependent claim 21 recites features similar to those discussed above with respect to claim 6. Accordingly, *Zweig* does not teach or suggest all of the features of claim 21 for at least the reasons similar to those given above.

Accordingly, Appellant respectfully requests the Board to reverse the rejection of claims 6 and 21 under 35 U.S.C. § 102(e) for this additional reason.

4. Rejection of Claims 7 and 22

Notwithstanding the above, the following provides another basis for reversal of the rejection of dependent claims 7 and 22. The Final Office Action alleges that col. 10, lines 5-11 of *Zweig* disclose the features of dependent claim 7 of "using, as the first integer, **a nonce value**, the nonce value being based on one or more of the following: a

random integer, a pseudorandom integer, or a time value," (emphasis added). Final

Office Action, page 5. This, however, is not correct.

This portion of *Zweig* actually discloses reducing the size of a data packet to

consider "the time length of a data packet when data rates are changed." *Zweig*, col.

10, lines 5-6. Such a disclosure, however, does not teach or even suggest the features

of claim 7 because reducing the size of a data packet does not constitute "using, as the

first integer, **a nonce value**," (emphasis added) as recited in claim 7. Considering the

time length of a data packet as data rate changes does not constitute using a **nonce**

value for a first integer that is **included** in a first message. Neither the cited portion nor

any other portion of *Zweig* teaches "using, as the first integer, a nonce value."

Therefore, *Zweig* does not teach or even suggest each and every feature of

claim 7. Thus, *Zweig* cannot anticipate claim 7. Dependent claim 22 recites features

similar to those discussed above with respect to claim 7. Accordingly, *Zweig* does not

teach or suggest all of the features of claim 22 for at least the reasons similar to those

given above.

Accordingly, Appellant respectfully requests the Board to reverse the rejection of

claims 7 and 22 under 35 U.S.C. § 102(e) for this additional reason.

5. Rejection of Claim 8

Notwithstanding the above, the following provides another basis for reversal of

the rejection of dependent claim 8. The Final Office Action alleges that col. 10, lines 33-

40 of *Zweig* disclose the claimed feature recited in dependent claim 8 of "using, as the

first integer, a value that is **a function of a nonce value**," (emphasis added). Final

Office Action, page 5. This, however, is not correct.

This portion of *Zweig* actually discloses using the divisional factor of 1 to make the fragmentation threshold 1500 bytes, so as to make the duration of the payload 136 microseconds. *Zweig*, col. 10, lines 33-36. Such a disclosure, however, does not teach or even suggest the features of claim 8 because neither selecting a divisional factor nor maintaining a payload duration constitutes "using, as the first integer, a value that is **a function of a nonce value**," (emphasis added) as recited in claim 7. Varying a divisional factor does not constitute using a **function of a nonce value** for a first integer that is **included** in a first message. Neither the cited portion nor any other portion of *Zweig* teaches "using, as the first integer, a value that is a function of a nonce value."

Therefore, *Zweig* does not teach or even suggest each and every feature of claim 8. Thus, *Zweig* cannot anticipate claim 8.

Accordingly, Appellant respectfully requests the Board to reverse the rejection of claim 8 under 35 U.S.C. § 102(e) for this additional reason.

6. Rejection of Claims 13, 14, 23, and 25

Appellant respectfully traverses the rejection of claims 13, 14, 23, and 25 under 35 U.S.C. § 102(e) as being anticipated by *Zweig* because the reference does not teach or even suggest each and every feature of the claims.

On page 3 of the Final Office Action the Examiner cites to col. 13, lines 5-23 of *Zweig* for allegedly teaching "receiving, in response to the clear to send message, a data message **including the second integer**, the second integer serving to **authenticate the data message**," as recited in each of these independent claims. This, however, this is not correct.

Zweig discloses that "[i]f the logic circuit 604 receives the CTS packet from the associated AP within the pre-determined time interval, then the logic circuit 604 transmits the corresponding data packet during the reserved time slot following the receipt of the CTS packet," (col. 13, lines 16-20). Such a disclosure does not constitute "the **second integer** serving to **authenticate the data message**," as recited in claims 13, 12, 23, and 25. Neither the cited portion of *Zweig* nor any other portion of *Zweig* discloses or even suggests "receiving, in response to the clear to send message, a data message **including the second integer**, the second integer serving to **authenticate the data message**," (emphases added) as recited in claims 13, 14, 23, and 25.

Moreover, *Zweig* does not teach or suggest the sequence of messages disclosed in claims 13, 14, 23, and 25, where the claimed clear to send message is sent "in response to the received request to send message," the claimed data message including the second integer is received "in response to the clear to send message," and the claimed acknowledgment message is sent "in response to clear to the received data message." Therefore, *Zweig* cannot anticipate claims 13, 14, 23, and 25, and the claims are allowable.

Accordingly, for at least the above-noted reasons, Appellant respectfully requests the Board to reverse the rejection of claims 13, 14, 23, and 25 under 35 U.S.C. § 102(e).
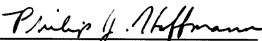
CONCLUSION

In view of the above, pending claims 1-25 are allowable over the applied prior art references. Therefore, Appellant respectfully requests the Board to reverse the Examiner's rejection of claims 1-25.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Appeal Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 7, 2009

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VIII. Claims Appendix to Appeal Brief Under Rule 41.37(c)(1)(viii)

1. A method of medium access control comprising:

   receiving a first message including a first integer;

   sending a second message including a second integer, the second message

   sent in response to the first message;

   receiving, in response to the second message, a third message including data

   and a third integer, the third integer serving to authenticate the third

   message; and

   sending, in response to the third message, a fourth message including a fourth

   integer, the fourth message serving to acknowledge receipt of the third

   message.

2. The method of claim 1, further comprising:

   using, as the first, second, third, and fourth integers, the same value.

3. The method of claim 2, further comprising:

   using, as the same value, a random integer.

4. The method of claim 2, further comprising:

   using, as the same value, a pseudorandom integer.

5. The method of claim 2, further comprising:

   using, as the same value, a time value.

6. The method of claim 2, further comprising:

    using, as the same value, a time value based on a Global Positioning System

        (GPS).

7. The method of claim 1, further comprising:

    using, as the first integer, a nonce value, the nonce value being based on one or

        more of the following: a random integer, a pseudorandom integer, or a

        time value.

8. The method of claim 1, further comprising:

    using, as the first integer, a value that is a function of a nonce value.

9. The method of claim 1, wherein receiving the first message comprises:

    using, as the first message, a request to send message.

10. The method of claim 1, wherein receiving the second message comprises:

    using, as the second message, a clear to send message.

11. The method of claim 1, further comprising:

    using the first, second, third, and fourth messages as the medium access control

        of a wireless network.

12. The method of claim 1, further comprising:

   using, as the first message, a request-to-send message, the request-to-send

   message providing media access control.

13. A method of medium access control in a wireless network comprising:

   receiving a request to send message, the request to send message including a

   first integer;

   sending, in response to the received request to send message, a clear to send

   message including the first integer and a second integer;

   receiving, in response to the clear to send message, a data message including

   the second integer, the second integer serving to authenticate the data

   message; and

   sending, in response to the received data message, an acknowledgement

   message including the first integer.

14. A system of medium access control in a wireless network comprising:

   means for receiving a request to send message, the request to send message

   including a first integer;

   means for sending, in response to the received request to send message, a clear

   to send message including the first integer and a second integer;

   means for receiving, in response to the clear to send message, a data message

   including the second integer, the second integer serving to authenticate

   the data message; and

means for sending, in response to the received data message, an

acknowledgement message including the first integer.

15. A system of medium access control comprising:

means for receiving a first message including a first integer;

means for sending a second message including a second integer, the second

message sent in response to the first message;

means for receiving a third message, in response to the second message,

including data and a third integer, the third integer serving to authenticate

the third message; and

means for sending, in response to the third message, a fourth message including

a fourth integer, the fourth message serving to acknowledge receipt of the

third message.

16. A system for medium access control, the system comprising:

a processor; and

a memory,

wherein the processor and the memory are configured to perform a method

comprising:

receiving a first message including a first integer;

sending a second message including a second integer, the second

message sent in response to the first message;

receiving, in response to the second message, a third message

including data and a third integer, the third integer serving to

authenticate the third message; and

sending, in response to the third message, a fourth message

including a fourth integer, the fourth message serving to

acknowledge receipt of the third message.

17. The system of claim 16, further comprising:

using, as the first, second, third, and fourth integers, the same value.

18. The system of claim 17, further comprising:

using, as the same value, a random integer.

19. The system of claim 17, further comprising:

using, as the same value, a pseudorandom integer.

20. The system of claim 17, further comprising:

using, as the same value, a time value.

21. The system of claim 17, further comprising:

using, as the same value, a time value based on a Global Positioning System
(GPS).

22. The system of claim 16, further comprising:

>   using, as the first integer, a nonce value, the nonce value being based on one or more of the following: a random integer, a pseudorandom integer, or a time value.

23. A system for medium access control in a wireless network, the system comprising:

>   a processor; and

>   a memory,

>   wherein the processor and the memory are configured to perform a method comprising:

>   >   receiving a request to send message, the request to send message including a first integer;

>   >   sending, in response to the received request to send message, a clear to send message including the first integer and a second integer;

>   >   receiving, in response to the clear to send message, a data message including the second integer, the second integer serving to authenticate the data message; and

>   >   sending, in response to the received data message, an acknowledgement message including the first integer.

24. A computer-readable storage medium containing instructions which, when executed on a data processor, cause the data processor to perform a method of

medium access control, the method comprising:

receiving a first message including a first integer;

sending a second message including a second integer, the second message
sent in response to the first message;

receiving, in response to the second message, a third message including data
and a third integer, the third integer serving to authenticate the third
message; and

sending, in response to the third message, a fourth message including a fourth
integer, the fourth message serving to acknowledge receipt of the third
message.

25. A computer-readable storage medium containing instructions which, when
executed on a data processor, cause the data processor to perform a method of
medium access control in a wireless network, the method comprising:

receiving a request to send message, the request to send message including a
first integer;

sending, in response to the received request to send message, a clear to send
message including the first integer and a second integer;

receiving, in response to the clear to send message, a data message including
the second integer, the second integer serving to authenticate the data
message; and

sending, in response to the received data message, an acknowledgement
message including the first integer.

IX. Evidence Appendix to Appeal Brief Under Rule 41.37(c)(1)(ix)

None.

X. Related Proceedings Appendix to Appeal Brief Under Rule 41.37(c)(1)(x)

None.